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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,343	10/03/2000	Lou Dellaverson	CE0137UM	4450
7590 03/09/2006			EXAMINER	
L Bruce Terry Motorola Inc Law Department 5401 North Beach Street MSE230 Fort Worth, TX 76137			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2684	
DATE MAILED: 03/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/530,343	DELLAVERSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tu X Nguyen	2682	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments with respect to claims 1 and 13, have been considered but are not persuasive.

In response to Applicant argument "The Customer Agent is clearly not a content provider as It provides no content or service to the user but exclusively manages the provision of services to the customer. Indeed, it is respectfully submitted that Busuloc does not disclose the feature of a content provider and that the closest disclosed feature is that of the Sevice Provision Agent which is not itself a content provider but an Agent peforming the function of interfacing with a service. In contrast to Busuloc, the system of the present invention allows the content provider to control the total cost to the user. In particular, the current invention allows for the content provider itself (rather than an element of the communication system) to determine cost information which depends on the provision of the communication through the communication system (i.e. depending on the cost of the associated basic resource usage). This functionality is enabled by an architecture wherein the content provider is provided with price information associated with communication through the communication system. The content provider itself (rather than e.g. an internal customer agent of the communication system) may thus determine a prior of providing the service in the current conditions. The content provider itself can thus itself determine and provide price information related to a plurality of options for the user to select between. Hence, in contrast to the Customer Agent of Busuioc, the content provider of the current invention may develop a more sophisticated

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pricing policy which takes into account both content provision and communication provision e.g. by modifying a cost of the content in response to a cost of the communication through the communication system". The Examiner respectfully disagrees. Busuioc et al. disclose a Customer Agent provides "price information" which is content information. Therefore, Customer Agent reads on content provider with reasonable broadest interpretation.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-11, 13-17 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Busuioc et al. (US Patent 6,151,309).

Regarding to claims 1 and 13, Busuioc et al. disclose a method of providing a service in a communication system, wherein the service is provided by a content provider to a user through the communication system, the method comprising the step of:

providing price information associated with communication through the communication system to the content provider (see col.7 lines 1-11);

receiving from the content provider, price information related to a plurality of options related to values of at least one communication parameter to be used during the provision of service (see col.7 lines 19-20);

Providing to the user as a function of price the plurality of options for selection therefrom by the user (see col.7 lines 25-30); and

Receiving a selection of one of the plurality of options from the user (see col.7 lines 25-34).

Regarding claims 2 and 14, Busuioc et al. disclose at least one communications parameter is related to the quality of service perceived by the user (see col.7 lines 37-49 and col.10 lines 6-12).

Regarding claims 3 and 15, Busuioc et al. disclose service is an information service (see col.10 lines 37-38).

Regarding claims 4 and 16, Busuioc et al. disclose communication system is a radio communication system (see col.1 lines 25-32).

Regarding to claims 5 and 17, Busuioc et al. disclose communication parameter includes bandwidth (see col.7 lines 40-42 and col.10 lines 6-12).

Regarding to claims 7 and 19, Busuioc et al. disclose the function of price is determined using price information input by the content provider and price information input by one or more further service providers forming a communication route between the content provider and the user (see col.7 lines 18-21).

Regarding to claims 8 and 20, Busuioc et al. disclose the function of price is determined using stored price information data obtained from an earlier provision of service employing the corresponding values of said at least one communications parameter (see col.6 lines 41-59).

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Regarding to claims 9 and 21, Busuioc et al. disclose the function of price is determined in real-time using currently applicable price information (see col.11 lines 29-41).

Regarding to claims 10-11 and 22-23, Busuioc et al. disclose simulation means are provided by the content provider for use by the user to carry out simulation of the service that would be provided according to an intended selection by the user (see col.7 lines 25-29).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Busuioc et al. further in view of Chow et al. (US Patent 6,456,839).

As to claims 12 and 24, Busuioc et al. fail to disclose service to the user for a limited duration.

Chow et al. disclose service to the user for a limited duration (see col.3 lines 1-12). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Busuioc et al. with the above teaching of Chow in order to provide competitive reduced cost to a subscriber.

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### Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 6:30AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN

February 28, 2006

  
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